



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Hon. Paul H. Stanford  
Criminal District Attorney  
Van Zandt County  
Canton, Texas

Dear Sir:

Opinion No. 0-7170

Re: Whether petition for bond  
election in independent school  
district having less than 150  
scholastics should be presented  
to County Judge or to the Dis-  
trict Trustees

Your request for opinion has been received and care-  
fully considered by this department. We quote from your request  
as follows:

"At the request of the County Judge of Van  
Zandt County, Texas, I respectfully request your  
opinion on the following:

"Article 2784e, Revised Civil Statutes, provides:

"The Commissioners court for the common school  
districts in its county, and the district school  
trustees for the independent school districts  
incorporated for school purposes only, shall have  
power to levy and cause to be collected the annual  
taxes and to issue the bonds herein authorized,  
subject to the following provisions, etc. . . . '

"Article 2785, Revised Civil Statutes, provides:

"Before an election is held to determine the  
proposition of the levy of such tax or the issuance  
of such bonds, a petition therefor, signed by  
twenty (20) or more, or a majority of those entitled  
to vote at such election, shall be presented 'to the  
County Judge of the county if for a common school  
district,' and 'to the district trustees if for an  
independent school district. etc.' . . . and  
provides for order of election, notices etc.'

"Article 2763, Revised Civil Statutes, provides:

"'All incorporated districts, having each fewer than 150 scholastics according to the latest census, shall be governed in the general administration of their schools by the laws which apply to common school districts; and all funds of such → districts shall be kept in the county depositories and paid out on order of the trustees approved by the county superintendent.'

"Facts: Edom Independent School District in Van Zandt County, Texas, is an independent school district but the number of scholastics according to the latest census, is less than one hundred fifty.

"This Independent School District desires to have an election to issue bonds for the purpose of building a school building.

"Question: Shall the petition for such bond election be directed to the County Judge for an order for such election as is provided for common school districts, or shall it be presented to the District Trustees for an order for such election as is provided for independent school districts?"

Articles 2784e and 2785, supra, deal specifically with the issuance of bonds and bond elections for common and independent school districts, while Article 2763, supra, merely provides that independent school districts having fewer than 150 scholastics shall be governed in the general administration of their schools by laws which apply to common school districts. We think the specific bond statutes above quoted should control over the general provisions of Article 2763, with respect to general administration of said schools and it is therefore our opinion that petitions for bond elections in independent school districts (including those having less

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than 150 scholastics according to the latest census) should be presented to the trustees of the independent school districts and not to the County Judge.

Very truly yours

APPROVED MAR 29, 1946

*Sam Sillars*  
ATTORNEY GENERAL OF TEXAS

ATTORNEY GENERAL OF TEXAS

*Wm. J. Fenning*  
By Wm. J. Fenning  
Assistant

WJF:bt

